



FAO-1451-2001

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

105

FAO-1451-2001

Date of decision :16.09.2025

MANJIT SINGH

... APPELLANT

VERSUS

KARAM SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No. 3.

PARMOD GOYAL, J. (ORAL)

The appellant has preferred the First Appeal, being aggrieved by the award of Rs.70,000/- granted vide award dated 04.01.2001 passed by the learned Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as the 'Tribunal).

2. The case of the appellant-claimant was that on 17.02.1996, he was riding truck bearing No. PUR-9596, which was driven rashly and negligently at high speed by respondent No. 1. As a result of the rash and negligent driving of respondent No. 1, the appellant-claimant sustained injuries in the accident. Both the arms were fractured. At the time of accident, he was 30 years old, earning Rs. 1,700/- per month, and working as SPO Cook. That the appellant has since become permanently disabled. Reliance has been placed on permanent disability certificate indicating 45% permanent disability.

3. Considering the case of the appellant, the learned Tribunal awarded



a total compensation of Rs. 70,000/-. The appellant is seeking enhancement of the said compensation on the ground that compensation was not awarded separately under each head. According to the appellant, the law mandates assessment of compensation under distinct heads, whereas he has been granted only a lump sum amount of Rs. 70,000/- covering all heads collectively.

4. On consideration, I find that the appellant was successful in proving that he had suffered injuries in the accident dated 17.02.1996. He sustained fractures on both arms and has also suffered permanent disability to the extent of 45%. The appellant-claimant has claimed that he was 30 years old at the time of the accident and was earning Rs. 17,00/- while working as SPO Cook.

5. However, perusal of the award reveals that no evidence was placed on record to substantiate the income claimed by the appellant-claimant. The alleged employer was not examined, and the appellant was the sole witness, appearing as PW-1. Furthermore, neither the appointment letter nor salary certificate was produced. Therefore, the appellant-claimant has failed to prove his pleadings regarding his vocation and income. At best, he can be considered to be an unskilled worker. Accordingly, the minimum wages applicable in the year 1996, i.e., Rs. 1,400/- per month, is taken as the monthly income of the appellant-injured.

6. Hon'ble Supreme Court in **G. Ravindranath @ R. Chowdary Vs. E. Srinivas & Anr.**, 2013 (3) RCR (Civil) 934 had held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the following heads :

Pecuniary damages (Special damages)

- (i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure.



- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:
 - (a) Loss of earning during the period of treatment;
 - (b) Loss of future earnings on account of permanent disability.
- (iii) Future medical expenses.

Non pecuniary damages (General damages)

- (iv) Damages for pain, suffering and trauma as a consequence of the injuries.
- (v) Loss of amenities (and/or loss of prospects of marriage).
- (vi) Loss of expectation of life (shortening of normal longevity).

In personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) - It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

7. **Hon'ble Supreme Court in Raj Kumar & Anr. Vs. Ajay Kumar & Anr.**, Civil Appeal No. 8981 of 2010, decided vide judgment dated 18.10.2010 has held that permanent disability can be either partial or total. Partial permanent disability refers to a person's inability to perform all the duties and bodily functions that he could perform before the accident, though he is able to perform some of them and is still able to engage in some gainful activity. Total permanent disability refers to a person's inability to perform any vocation or employment related activities as a result of the accident. Where claimant suffers a permanent disability as a result of injuries, the assessment of compensation under the head



of “loss of future earnings”, would depend upon the effect and impact of such permanent disability on his earning capacity. It has been further held that in most of the cases, equating the extent (percentage) of loss of earning capacity to the extent (percentage) of permanent disability will result in award of either too low or too high a compensation. What requires to be assessed by the Tribunal is the effect of the permanently disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money to arrive at the future loss of earnings by applying suitable multiplier. The Tribunal has to ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his vocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood. Keeping in view above principles and based on the evidence on record and the nature of injuries suffered, the appellant-injured can claim compensation under the following heads:

- (i) Medical expenses, special diet, transportation and attendant etc.
- (ii) Pain and sufferings
- (iii) Loss of earning capacity due to permanent injury



- (iv) Loss of income during the period of treatment
- (v) Compensation for loss of future prospects, reduction in life expectancy, and loss of future amenities.
- (vi) Compensation for future medical expenses.

8. As far as medical expenses are concerned, the learned Tribunal rightly held that (based on the evidence placed on record, i.e., Ex. P-2 to P-14) the appellant-claimant was able to prove medical expenses to the extent of Rs. 5,000/-. Although no specific evidence has been produced regarding the amount spent on special diet, transportation, and attendant charges, it is reasonable to infer that the appellant-claimant must have incurred expenses under these heads during the course of treatment. Accordingly, the appellant is awarded sum of Rs. 7,500/- under the head of medical expenses, special diet, transportation, and attendant charges etc.

9. From the permanent disability certificate on record, the appellant has successfully proved that he has suffered 45% permanent disability. Accordingly, it is proved that the appellant-claimant sustained grievous injuries and must have undergone considerable pain and suffering. In view thereof, he is granted Rs. 10,000/- under the head of pain and suffering.

10. It is further established from nature of injury that the appellant-claimant must have remained out of employment for at least three months during the course of his treatment. Taking the minimum wages as Rs. 1,400/- per month, the appellant is awarded Rs. 4,200/- under the head of loss of income during the period of treatment.

11. Given the fact that the appellant has suffered permanent disability, he is bound to be deprived of certain future amenities, prospects of life, and has also suffered a reduction in life expectancy. Accordingly, an amount of Rs. 10,000/- is



awarded to the appellant under these heads.

12. As per Ex. P-1, the appellant had suffered 45% permanent disability on account of fractures in both arms. However, it is unfortunate that the present case is one where the judicial record has been destroyed in a fire, and consequently, the disability certificate marked as Ex. P-1 is no longer available for perusal by this Court.

13. In absence of examination of the doctor who had issued the permanent disability certificate, and keeping in view of the facts and circumstances of the case, the functional disability of the appellant is assessed as 20%.

14. Accordingly, the appellant shall be entitled to the following compensation on account of loss of future earning capacity. The monthly income of the appellant is assessed at Rs. 1,400/-, with an addition of 40% towards future prospects, monthly income for determination of loss of income is taken as Rs. 1,960/- (i.e., Rs. 1,400 + 40%). Taking 20% functional disability, the effective monthly loss of earning capacity is Rs. $1,960 \times 20\% / 100 =$ Rs. 392/- per month. Annual loss would be Rs. $392 \times 12 =$ Rs. 4,704/-. Applying the multiplier of 17, the total compensation for loss of future earning capacity is Rs. $4,704 \times 17 =$ Rs. 79,968/-. No compensation is payable under head future medical expenses in absence of any evidence in this regard. Petitioner is entitled to Rs. 41,668/- as enhanced compensation as per following calculations :

Income of injured	Rs. 1,400/- per month (minimum wages applicable in the year 1996)	Rs. 1,400/- per month
Functional disability	20% (Rs. $1,400 \times 20 / 100$)	Rs. 280/-
Future prospects	40%	Rs. 392/-



	(Rs. 280+112)	
Multiplier	17	17
Loss of future earning capacity	Rs. 392x12x17	Rs.79,968/-
Medical expenses, special diet, transportation and attendant charges	Rs. 7,500/-	Rs. 7,500/-
Pain and suffering		Rs. 10,000/-
Loss of income		Rs. 4,200/-
Loss of future amenities, prospects of life and reduction in life expectancy		Rs. 10,000/-
Compensation awarded in Tribunal	Rs. 70,000/-	
Compensation awarded in appeal		Rs. 1,11,668/-
Enhancement of compensation	Rs. 1,11,668/- (awarded by Tribunal)-Rs. 70,000/- (awarded in appeal)	Rs. 41,668/-

15. Appeal stands allowed in above terms accordingly. Enhanced compensation with 7.5 % interest from date of filing petition till realisation be paid to claimant through his bank account.

16.09.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned Yes
Whether reportable Yes/No